



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 039334/0104

Applicant: David M. GOLDENBERG

Title: VIRTUAL DOCTOR INTERACTIVE CYBERNET SYSTEM

Application No.: 09/313,278

Filing Date: May 18, 1999

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Examiner: Rimell, Samuel G.

OCT 27 2003

Art Unit: 2175

Technology Center 2100

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In reply to the Office Action mailed September 24, 2003, Applicant hereby elects the claims of Group I, Claims 39-51, for prosecution in the subject application. Applicant, of course, reserves the right to file a divisional application covering the subject matter of the non-elected claims.

Applicant respectfully traverses the restriction requirement for at least the reasons set forth herein. The Examiner asserts that the claims of Group II recite an apparatus that can be used to practice materially different processes, such as word processing and database construction. Applicant respectfully disagrees. The language of the independent claim 52 of Group II defines a type of server; one that is configured to perform certain tasks. These certain tasks are the same as those described in the independent method claim 39 of Group I. Accordingly, the apparatus of Group II, as defined by the claims, is not performing a "materially different process" as the method of Group I. Only one search need be conducted for the two groups of claims. Therefore, Applicant

respectfully traverses the restriction requirement and requests that the Examiner perform a substantive examination of all claims 39-64.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

OCTOBER 24, 2003

Date


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